

DRAFT

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM -TUESDAY, FEBRUARY 2, 2021**

Minutes

1. ROLL CALL

Present: Mayor Alexis Hermosillo; Vice Mayor Monica Dorcey; Councilmember Roy Delgado; Councilmember Anita Norton; Councilmember Mike Hutchinson; Councilmember David Shapera; Councilmember Donna Winston

2. CALL TO ORDER - The meeting was held online and publicly with limited access; called to order at 6:05 pm.

Pledge of Allegiance
Moment of Silence

3. CALL TO THE PUBLIC

Citizens desiring to speak on any issue within the jurisdiction of the public body may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken, (2) direct staff to review or follow up on the matter, and/or (3) direct that the matter be put on a future agenda.

No public comments were received.

4. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action to approve the minutes of the Regular Council meeting held Thursday, January 21, 2021. (City Clerk)
2. Consideration and action to approve the destruction of Personnel Records that have reached the end of their retention period as authorized under ARS §41-151.19. (Human Resources)
3. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with CORE Construction Inc. to provide Construction Manager at Risk Design Phase Services for the El Mirage Library Remodel/Relocation (Project No. 62114) in an amount not to exceed \$29,000. (Community Development)

4. Consideration and action to authorize the City Manager to amend the multi-year contract with ClearGov Inc. to enhance budget software with additional modules in Transparency and Salary Manager as well as improved Capital Request module in an amount not to exceed \$51,000 for fiscal year 2022. (Finance)
5. Consideration and action to request and accept funds, if awarded, for a FY2021 Arizona Department of Homeland Security (AZDHS) State Homeland Security Grant and/or Urban Areas Security Initiative Grant in an approximate amount of \$150,000 to support increasing cybersecurity in the City and security cameras for Gateway and Gentry Parks, and authorize Finance to make necessary budget transfers. (Grants/IT)
6. Consideration and action to request and accept funds, if awarded, for a Prop 207 Fund Grant Proposal from the Governors Office of Highway Safety (GOHS) in an approximate amount of \$100,000 to support the El Mirage Police Department's purchase of an unmarked Chevy Tahoe to be used as a DUI vehicle, and an AXON drone (including licensing and equipment) and pix4D software to be used for collision mapping and exterior crime scene mapping and authorize Finance to make necessary budget transfers. (Grants/Police)

Vice Mayor Dorcey moved to approve items 1-6 on the Consent Agenda as presented; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

5. **REGULAR AGENDA**

1. Consideration and action to authorize the City Manager to enter into a Development Agreement with the Microsoft Corporation setting forth the roles and responsibilities of the Dysart Road and Olive Avenue Improvements. (Community Development)

Assistant City Engineer Bryce Christo presented by stating in 2019, stipulations were required as part of Microsoft's original Site Plan approval; requiring the construction of offsite improvements along their frontage of Dysart Road and Olive Avenue. These requirements included half street improvements (Olive only), sidewalk, landscaping, irrigation, street lighting and interconnect conduit. These improvements were to be completed within one year following the completion of the City's Dysart Road project. In 2020, Microsoft asked if the City would be willing to take over the project if they provided the necessary design and construction costs; a development agreement was prepared to outline the roles and responsibilities of the two parties. Mr. Christo reviewed the key points of the development agreement to include Microsoft providing the required design fees, plus a 20% contingency to the City within 30 days of agreement approval. The City will use the same design consultant that is responsible for the Dysart Road improvement plans which is EPS Group. When the City gets a 60% design, EPS Group will provide Microsoft with a construction cost estimate that they may either accept, deny and decide to construct the project themselves, or deny and hire a third party engineer to provide an alternative estimate for the City to review. If any cost estimate is accepted, Microsoft will provide the required construction fees, plus a 20% contingency, up to a maximum of \$3.5M dollars to the City within 30 days of approval. If Microsoft pays the construction fees, they have fulfilled all of their obligations.

Councilmember Norton asked why Microsoft wants the City to takeover the completion of that phase of the project, and was the amount going to cover the cost. Mr. Christo responded that Microsoft had stated they like to build datacenters and not roads. Mr. Christo further added the design cost was from the EPS proposal, and was the exact number needed plus a 20% contingency for unforeseen issues, then the \$3.5M dollars for construction is the City's conservative number.

Vice Mayor Dorcey moved to authorize the City Manager to enter into a Developmental Agreement with the Microsoft Corporation setting forth the roles and responsibilities of the Dysart Road and Olive Avenue improvements; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

2. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with EPS Group for the design and preparation of final construction documents for Olive Avenue and Dysart Road along and adjacent to the frontage of the property at 12901 West Olive Avenue in the amount of \$178,842 (including a 20% contingency) and authorizing the Finance Department to make appropriate budget transfers to increase project number 61909 by \$179,000. (Community Development)

Assistant City Engineer Bryce Christo stated the City has chosen EPS Group to complete the offsite improvements on Dysart Road and Olive Avenue, along the frontage of the Microsoft property as they are familiar with the area. EPS Group is knowledgeable of the City's standards. The two projects will be bid out together and EPS has provided the City with a quote of \$149,035. These items were originally to be completed by Microsoft but a Development Agreement was prepared to allow the City to design the improvements, Microsoft will pay for the requested design fees provided by EPS Group (\$149,035), plus a 20% contingency for a total of \$178,842. Mr. Christo stated work would not begin until payment from Microsoft had been received, and approval of this item will authorize the City's Finance department to make appropriate budget transfers to increase the project number 61909 by \$179,000.

Vice Mayor Dorcey moved to authorize the City Manager to enter into a Professional Services Contract with EPS for the design and preparation of final construction documents for Olive Avenue and Dysart Road along and adjacent to the frontage of the property at 12901 West Olive Avenue in the amount of \$178,842 (including a 20% contingency) and authorizing the Finance Department to make appropriate budget transfers to increase project number 61909 to \$179,000.

Vote: 7 - 0 Passed - Unanimously

3. Consideration and action to authorize the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates to provide engineering design services for speed cushions along Acoma Drive and 127th Avenue in an amount not to exceed \$10,500. (Community Development)

Assistant City Engineer Bryce Christo presented and provided a history of the speed cushion design on 127th Avenue and Acoma Drive. Mr. Christo identified Council questions: 1) how the speed cushions would work, 2) the speed and volume data collected at each of the locations, 3) local studies of roadways before and after speed cushions have been installed, and 4) national studies of roadways before and after speed cushions have been installed. Mr. Christo stated due to resident complaints, Council approved (June 2020), a Traffic Calming Program in the amount of \$100,000 for fiscal years 2020/2021 and 2021/2022. These funds were to be used for speed and volume studies at areas of concern and, if warranted, the design and installation of speed cushions. Mr. Christo stated staff prepared a policy for speed cushion installation that explained the process, noted the requirements that needed to be met for a street to be eligible and the responsibilities of the City and the requester. Mr. Christo explained part of the process requires the resident to complete the Speed Cushion Request Form for a local or collector street that they feel benefits from a speed cushion, after which the City performs a speed and volume study, and if the 85th percentile speed is above eight miles per hour above the posted speed limit and used by over 400 vehicles daily, it would be eligible for a speed cushion. A consultant is then hired, the City provides the requestor with a petition form with the list of properties that are required to sign off on the proposed cushions;

75% percent of properties must agree (HOA if applicable). Upon City receipt of all documentation, a contractor will be contacted to install the cushions. Removal of any cushions follows the same procedure.

Mr. Christo referenced the City's implementation of Rumble Strips/Domes Pilot Program in the Summer of 2019, whereby 127th Avenue and Acoma Drive were identified to have speed concerns. Mr. Christo reviewed the speed and volume study data for 127th Avenue and Acoma Drive and identified directions traveled and speed differences.

Councilman Hutchinson asked for an explanation of the speed study table. Mr. Christo reviewed the presentation table and explained each direction and the speed associated. He further explained staff had contacted the West Valley Traffic Engineers Committee, specifically Peoria and Phoenix as the City of El Mirage has modeled its program from theirs. The City was informed that cities had not completed a study in several years because the system they have in place is effective for slowing traffic. The national studies in keeping with the local jurisdictions completed studies ten years ago due to the effectiveness of the speed cushions. Mr. Christo identified other States and Counties and their proven reduction in speed due to installation of speed cushions.

Vice Mayor Dorcey moved to authorize the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates to provide engineering design services for speed cushions along Acoma Drive and 127th Avenue in the amount not to exceed \$10,500; seconded by Councilmember Norton.

Vote: 7 - 0 Passed - Unanimously

6. **CITY MANAGER'S COMMENTS & SUMMARY OF CURRENT EVENTS**

The City Council may not act upon any matter in the City Manager's summary but may have general comment or questions.

City Manager Crystal Dyches expressed her appreciation to Mayor and Council for their valued input in the evening's work session. Additionally, Ms. Dyches announced the date for the City Council Strategic Priorities Work Session as Thursday, February 18, 2021.

7. **MAYOR'S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS**

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

Councilmember Norton acknowledged February 2021 as **Teen Dating Violence Awareness and Prevention Month** and stated this is an issue that impacts everyone (teens, parents, teachers, friends and communities). She further stated that nationwide, youth aged 12 to 19 experience the highest rates of rape and sexual assault. Girls are particularly vulnerable to experiencing violence in their relationships and most likely to suffer long-term behavioral and health consequences, including suicide attempts, eating disorders, and drug use. Adolescents in abusive relationships often carry these unhealthy patterns of violence into future relationships. She stated everyone can make a difference by knowing the warning signs of dating abuse and taking action where necessary. She closed her comments by providing contact numbers for the National Dating Abuse Helpline (1-866-331-9474 or texting "loveis" to 77054).

Councilmember Winston expressed the importance of "masking-up" and identified the recent increase in COVID-19 cases in Arizona.

8. **ADJOURNMENT**

Alexis A. Hermosillo, Mayor

ATTEST:

Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular El Mirage City Council Meeting held on Tuesday, _____ and a quorum was present.

Sharon Antes, City Clerk